

From: Martin, David L. [DLMartin@HHLAW.com]
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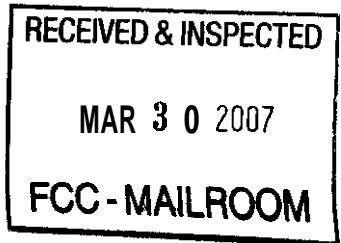
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Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Section 68.4(a) of the Commission's) WT Docket No. 01-309
Rules Governing Hearing)
Aid-Compatible Telephones)

SunCom Wireless, Inc. Petition for Waiver of)
Section 20.19(d)(2) of the Commission's Rules)

To: The Commission

**SUNCOM WIRELESS, INC.
AMENDMENT TO
PETITION FOR WAIVER OF SECTION 20.19(d)(2)
OF THE COMMISSION'S RULES**

SunCom Wireless, Inc. ("SunCom") hereby amends its petition for waiver ("Petition"), originally filed on September 15, 2006 in this docket, to seek an additional six weeks (until May 15, 2007) to come into full compliance with Section 20.19(d)(2) of the Commission's rules. ^{1/} As explained below, SunCom recently believed that it was offering two handsets with a "T3" rating for compatibility with T-coils. However, this week SunCom learned that one model that had been represented by the manufacturer to be compliant is, in fact, not yet compliant. Although SunCom is acting quickly to respond to this new information, it nevertheless is forced to request this limited additional extension,

On January 12, 2007, SunCom filed an amendment to its Petition, explaining that it had only been able to obtain one compliant handset from its vendors, but was expecting to receive a second by the end of the first quarter. In that filing, SunCom reported that it had been informed by Sony Ericsson that the W710 – a handset SunCom had introduced in December – was T3-

^{1/} 47 U.S.C. § 20.19 was promulgated to implement the Hearing Aid Compatibility ("HAC") Act of 1988, Pub. L. 100-394, § 3(a), 102 Stat. 976 (1988) (codified at 47 U.S.C. § 610(b)(1)(B)).

compliant, although this status had not been determined until after the units were shipped to SunCom in December. Earlier this week, SunCom contacted Sony Ericsson to repeat its earlier request for appropriate package labels for its existing inventory of W710 handsets. At this point, Sony Ericsson revealed to SunCom for the first time that, contrary to statements made to SunCom in January, the W710s shipped to SunCom are *not* T3-compliant.^{2/} Indeed, Sony Ericsson stated that the change in handset firmware needed to make the W710 T3-compliant was not even “industrialized” in their manufacturing facilities until March 22. Thus, only W710s shipped after March 22 are compliant.

SunCom expects to receive compliant W710s by the end of April.^{3/} In the meantime, however, SunCom is exploring the possibility of obtaining the firmware update from Sony Ericsson and manually “reflashing” the inventory of W710s that SunCom already has in stock. If feasible, this could result in quicker availability of T3-compliant W710 handsets to SunCom’s customers.

Also in its January filing, SunCom reported that it was expecting to receive the Nokia 6126H, a T3-compliant version of the already-stocked 6126, by the end of the first quarter. SunCom is pleased to report that it has received the 6126H and that this handset is currently available for purchase by customers in SunCom’s mainland U.S. markets.^{4/} SunCom’s January filing also referenced the possibility of acquiring the T3-compliant Motorola V3i. This handset is

^{2/} Notably, Sony Ericsson never proactively contacted SunCom to correct its earlier misstatement.

^{3/} The T3-compliant W710s will not be offered in Puerto Rico. The Nokia 6085 will serve as the second compliant handset in that market, as described *infra*.

^{4/} The 6126H will be replaced in SunCom’s lineup with the Nokia 6085, another T3-compliant handset, in the coming weeks. A firm order has been placed and delivery is expected by the end of April. The Nokia 6085 will be available in both the mainland U.S. and Puerto Rico markets.

now available for purchase in SunCom's Puerto Rico market. Thus, both SunCom's mainland *U.S.* and *Puerto Rico* markets each have one fully HAC-compliant handset available for sale.

CONCLUSION

The difficulties explained above regarding the W710 illustrate again the frustration that smaller carriers like SunCom experience in attempting to obtain compliant handsets – or even reliable information about the handsets already purchased – from manufacturers with which they have no bargaining power. Despite this set-back beyond its control, SunCom has made demonstrable progress in obtaining T3-compliant handsets since its January filing. Moreover, SunCom will work diligently to make T3-compliant W710 handsets available as soon as possible, including by undertaking a manual updating of the W710s already in stock, if such a solution is technically feasible. SunCom will also use its best efforts to ensure that the deliveries of the Nokia 6085 remain on schedule. Given its ongoing efforts, SunCom respectfully requests that it be allowed until May 15, 2007 to come into full compliance with Section 20.19(d)(2).

Respectfully submitted,

SUNCOM WIRELESS, INC.

/s/ Eric Haskell

Michele C. Farquhar
David L. Martin
Hogan & Hartson L.L.P.
555 13th Street, NW
Washington, DC 20004
(202) 637-5600
(202) 637-5910 (fax)

Eric Haskell
Executive Vice President & CFO
SunCom Wireless
1100 Cassatt Road
Berwyn, PA 19312
(610) 722-4280
(610) 722-4488 (fax)

Its Attorneys

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